

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRENDA M. JOHNSON,

Plaintiff,

v.

WELLS FARGO,

Defendant.

CASE NO. C21-5212 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Creatura's Report and Recommendation ("R&R"), Dkt. 7, recommending that the Court deny Plaintiff Brenda Johnson's Motion for Leave to proceed *in forma pauperis*, Dkt. 5, and dismiss her proposed complaint without prejudice.

Judge Creatura had previously concluded that Johnson had failed to state a plausible claim and ordered her to file a proposed amended complaint by August 16, 2021. Dkt. 6. She did not do so, and the R&R recommends dismissing the case without prejudice.

1 Johnson has not Objected to the R&R under Rule 72. She instead sought to
2 untimely file an amended complaint on September 9, 2021, Dkt. 8, and moved to recuse
3 Judge Creatura, Dkt. 10.

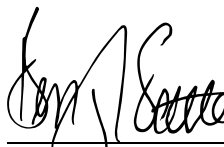
4 A district judge must determine de novo any part of a magistrate judge's proposed
5 disposition that has been properly objected to. The district judge may accept, reject, or
6 modify the recommended disposition; receive further evidence; or return the matter to the
7 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3). A proper objection requires
8 specific written objections to the findings and recommendations in the R&R. *United*
9 *States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Objections to a
10 R&R are not a vehicle to relitigate the same arguments carefully considered and rejected
11 by the magistrate judge. *See, e.g., Fix v. Hartford Life & Accident Ins. Co.*, CV 16-41-
12 M-DLC-JCL, 2017 WL 2721168, at *1 (D. Mont. June 23, 2017) (collecting cases)

13 Plaintiff Johnson did not object to the R&R, and she did not timely file a proposed
14 amended complaint stating a plausible claim. The R&R, Dkt. 7, is therefore **ADOPTED**
15 and this matter is **DISMISSED** without prejudice. The pending motion, Dkt. 10, is
16 **DENIED** as moot.

17 The Clerk shall enter a **JUDGMENT** and close the case.

18 IT IS SO ORDERED.

19 Dated this 14th day of September, 2021.

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BENJAMIN H. SETTLE
United States District Judge